

§97.121. Purpose.

The purpose of these sections is to provide anti-rabies biologicals (vaccines and hyper-immune sera) for the use and benefit of persons exposed, or suspected of having been exposed, to rabies.

§97.123. Stocking and Issuing.

(a) Stocking. Anti-rabies biologicals may be procured and distributed by the Texas Department of Health (department). Anti-rabies biologicals may be stocked in depots located throughout the state. The products in each depot will remain under the control of the appropriate regional director of this department until issued.

(b) Issuing.

(1) Anti-rabies biologicals may be issued for post-exposure treatment for any person upon the signed order of a medical professional licensed to practice in Texas.

(2) The department has the right to refuse to provide anti-rabies biologicals if the incident in question does not warrant rabies post-exposure prophylaxis. The guidelines established by the Advisory Committee on Immunization Practices of the U.S. Public Health Service will be used as guidelines for assessing rabies exposure. In event the department elects not to supply biologicals for post-exposure prophylaxis, the department will provide the medical professional the name of a source from which anti-rabies biologicals may be purchased.

(3) The following will be accomplished at time of issue.

(A) A department-prepared human rabies prophylaxis surveillance report will be completed by the person issuing the anti-rabies biologicals and sent to the Texas Department of Health.

(B) An information sheet about rabies and rabies biologicals will be provided by the department to the attending medical professional for informing the patient of the risks and benefits of the anti-rabies treatment.

(C) The most recent guidelines for treatment for the prevention of rabies as recommended by the Advisory Committee on Immunization Practices of the U.S. Public Health Service will be provided by the department to the attending medical professional.

(c) Partial issue. Issues may be made of less than the full regimen of treatment whenever less than the full regimen is necessary, or when there is reason to believe that treatment may be terminated before completion of the full course for any reason. After a partial issue is made, the remaining doses needed may be issued later if laboratory tests or other evidence confirm the need for continuing the treatment.

(d) Administration of anti-rabies biologicals. Anti-rabies biologicals issued by the Texas Department of Health may be administered to humans only by or under the supervision of a medical professional licensed to practice in Texas. Anti-rabies biologicals may be issued at the depot to the bearer of the medical professional's order

for transport to a medical professional and subsequent administration to the patient by or under the supervision of a medical professional.

(e) Return of anti-rabies biologicals. Once issued and removed from the depot storage area, no anti-rabies biologicals may be returned for credit or reimbursement, nor may any returned anti-rabies biologicals be reissued for use of any kind.

#### §97.124. Payment for Anti-Rabies Biologicals.

The department is specifically authorized by law to distribute anti-rabies biologicals and to receive reimbursement for the cost of the biologicals.

(1) Options for reimbursement will be in accordance with policies set by the Immunizations Division, Texas Department of Health, and are as follows:

(A) Payment at time of issue. Arrangements for payment must be complete at the time of issuance of the anti-rabies biologicals, including options for monthly payments and/or third party coverage, or payment in full at the time of receipt. The regional director is responsible for ensuring that payment arrangements are made.

(B) Inability to pay. The regional director will accept, in lieu of payment, a statement signed by the patient that the patient is unable to pay in whole or part the cost of the biologicals and has no third party or other alternate source to provide payment.

(2) Refusal to pay. The department shall have the right to seek reimbursement in the event of a refusal to pay by a patient, or by his or her third-party coverage or other legally obligated source. A county or district attorney or the Texas attorney general, upon request of a department, may initiate suit or other proceeding in the county of the recipient's residence against the recipient, the parent, guardian, or other person or persons legally responsible for the support of the recipient or against responsible third parties.

#### §97.125. Designation of Depots for Anti-Rabies Biologicals.

The department may procure off-site facilities for the storage and dispensing of department-owned anti-rabies biologicals.

(1) These depots will comply with the department's policy regarding storage, dispensing and reporting requirements.

(2) The depots will dispense the vaccine at the price designated by the department.